

A.
Baldwin Regional Area Transit System
Reasonable Modification Policy

1. Purpose

The purpose of the reasonable modification policy is to ensure that Baldwin Regional Area Transit System offers equal and effective opportunities and access to public transportation services for persons with disabilities and full compliance with the provisions of the Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

2. Policy

Baldwin Regional Area Transit System is committed to providing equal access and opportunity to qualified individuals with disabilities in all programs, services and activities. Baldwin Regional Area Transit System recognizes that in order to have equally effective opportunities and benefits, individuals with disabilities may need reasonable modifications to policies and procedures. Baldwin Regional Area Transit System will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable modifications, as necessary, to afford equal access to programs for persons with disabilities. Baldwin Regional Area Transit System does not discriminate on the basis of disability in admission to, participation in, or receipt of services and benefits under any transit program or activity. Baldwin Regional Area Transit System will take appropriate steps to ensure that persons with disabilities have an equal opportunity to participate.

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of Baldwin Regional Area Transit System, or be subject to discrimination by Baldwin Regional Area Transit System.

3. Reasonable Modifications

A reasonable modification is a change or exception to a policy, practice, or procedure that allows disabled individuals to have equal access to programs, services, and activities. Baldwin Regional Area Transit System will make reasonable modifications to policies, practices and procedures when necessary to ensure access to transit services for qualified individuals with disabilities, unless:

- Making the accommodation would fundamentally alter the nature of the public transportation service.
- Making the accommodation would create a direct threat to the health or safety of other passengers.

- The individual with a disability is able to fully use Baldwin Regional Area Transit System's service without the accommodation being made.

For the purposes of this section, the term reasonable accommodation shall be interpreted in a manner consistent with the term "reasonable modifications" as set forth in the Americans with Disabilities Act Title II regulations at 28 CFR 35.130(b)(7), and not as it is defined or interpreted for the purposes of employment discrimination under Title I of the ADA (42 U.S.C. 12111–12112) and its implementing regulations at 29 CFR part 1630.

4. Eligibility Criteria

An individual is eligible to be considered to receive a reasonable modification if that individual has: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or been regarded as having such impairment.

5. Requests for Reasonable Modifications

Baldwin Regional Area Transit System shall make information about how to contact Baldwin Regional Area Transit System to make requests for reasonable modifications readily available to the public through its website and rider policy guidelines. Baldwin Regional Area Transit System shall follow these procedures in taking requests:

- a. Individuals requesting modifications shall describe what they need in order to use the service.
- b. Individuals requesting modifications are not required to use the term "reasonable modification" when making a request. Personnel at Baldwin Regional Area Transit System will determine if the request represents a reasonable modification and proceed in accommodating the request accordingly.
- c. Whenever feasible, Baldwin Regional Area Transit System requests that individuals make such requests for modifications before Baldwin Regional Area Transit System is expected to provide the modified service.
- d. Where a request for modification cannot practicably be made and determined in advance (e.g., because of a condition or barrier at the destination of a paratransit, demand response, or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with Baldwin Regional Area Transit System's management before making a determination to grant or deny the request.

Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made.

The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

6. Interactive Process

When a request for accommodation is made, Baldwin Regional Area Transit System and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual and the Baldwin Regional Area Transit System must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

7. Time Frame for Processing Requests and Providing Reasonable Modification

Baldwin Regional Area Transit System will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. Baldwin Regional Area Transit System recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

8. Granting a Reasonable Modification Request

As soon as Baldwin Regional Area Transit System determines that a reasonable accommodation will be provided, that decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

In choosing among alternatives for meeting nondiscrimination and accessibility requirements with respect to new, altered, or existing facilities, or designated or specified transportation services, Baldwin Regional Area Transit System shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate to the needs of individuals with disabilities.

9. Denying a Reasonable Modification Request

As soon as Baldwin Regional Area Transit System determines that a request for reasonable accommodation will be denied, Baldwin Regional Area Transit System will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- a. the specific reasons for the denial;
- b. any alternative accommodation that may create the same access to transit services as requested by the individual; and

- c. the opportunity to file a complaint relative to the Baldwin Regional Area Transit System's decision on the request.

10. Complaint Process

Baldwin Regional Area Transit System has a process for investigating and tracking complaints from qualified individuals. These procedures shall be posted on the Baldwin Regional Area Transit System's website and will be provided to any individual where the Baldwin Regional Area Transit System has denied a request for accommodation. The process and any forms necessary to file a complaint are readily available from the web. Alternative means of filing complaints, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

Any person who believes she or he has been discriminated against in obtaining a reasonable modification may file a complaint by completing and submitting a Baldwin Regional Area Transit System's Reasonable Modification Complaint Form. Baldwin Regional Area Transit System investigates complaints received no more than 30 days after receipt. Baldwin Regional Area Transit System will process complaints that are complete. Once the complaint is received, the complainant will receive an acknowledgement of receipt. If more information is needed to resolve the complaint, Baldwin Regional Area Transit System may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to Baldwin Regional Area Transit System.

If Baldwin Regional Area Transit System is not contacted by the complainant or does not receive the additional information within 30 business days, the Baldwin Regional Area Transit System may administratively close the complaint. In addition, a complaint may be administratively closed if the complainant no longer wishes to pursue their case.

After Baldwin Regional Area Transit System investigates the complaint, a decision will be rendered in writing to the complainant. Baldwin Regional Area Transit System will issue either a Letter of Closure or Letter of Finding.

- a. *Letter of Finding* – This letter will summarize the complaint, any interviews conducted regarding the complaint, and explains what actions will be taken by Baldwin Regional Area Transit System to address the complaint.
- b. *Letter of Closure* – This letter will explain why Baldwin Regional Area Transit System has determined that the complaint does not merit accommodation under the Americans with Disabilities Act and that the complaint will be closed.

If the complainant disagrees with the decision of Baldwin Regional Area Transit System, an opportunity to appeal the decision may be pursued provided the complaint files notice of appeal within 21 days of the initial decision of Baldwin Regional Area Transit System.

In the event of appeal, the complainant will be granted all due process, including the ability to be present additional evidence, present the case in person during an appeal hearing, and to be represented by counsel.

11. Designated Employee

Baldwin Regional Area Transit System shall designate one official within the organization responsible for processing reasonable modification requests and handling complaints. This individual is:

Director of Transportation
Baldwin Regional Area Transit System
P.O. Box 907
Robertsdale, Alabama 36567
(251) 972-6817
ann.simpson@baldwincountyal.gov

12. Record Retention

Baldwin Regional Area Transit System will maintain all records related to reasonable modification requests and denials for at least three (3) years.

B. Request for Reasonable Modifications *(From brochure)*

Policy: In accordance with the Americans with Disabilities Act (ADA) and directives from the Federal Transit Administration, Baldwin Regional Area Transit System will make every effort, to the maximum extent feasible, to ensure that a person with a disability has access to, and benefits from, its services. Baldwin Regional Area Transit System will make reasonable modifications to its policies, programs, and procedures applicable to its transportation services when necessary to avoid discrimination and ensure accessibility for people with disabilities.

Reasonable modifications do have limitations and are not intended to:

- Cause a direct threat to the health and safety of others
- Create undue financial and administrative burdens
- Constitute a fundamental alteration to a service
- Not necessary to provide equal access to Baldwin Regional Area Transit System

Considerations when making a reasonable modification request:

- Individuals requesting modifications shall describe what they need in order to use the service.
- Individuals requesting modifications are not required to use the term “reasonable modification” when making a request.
- Whenever feasible, requests for modifications shall be made and determined in advance, before the transportation provider is expected to provide the modified service, for example, during the paratransit eligibility process, through customer service inquiries, or through the entity's complaint process.
- Where a request for modification cannot practicably be made and determined in advance (e.g., because of a condition or barrier at the destination of a paratransit or fixed route trip of which the individual with a disability was unaware until arriving), operating personnel of the entity shall make a determination of whether the modification should be provided at the time of the request. Operating personnel may consult with the entity's management before making a determination to grant or deny the request.

The request must identify the modification needed in order to use the service. Whenever feasible, please make the request in advance, before the modification is needed to access the service.

Within the scope of the ADA and reasonable modification, if Baldwin Regional Area Transit System denies a request it will make every effort, to the maximum extent feasible, to ensure that a person with a disability has access to, and benefits from, its services.

Procedure: To request reasonable modifications based on a disability please use the Reasonable Modification Request Form, or contact Baldwin Regional Area Transit System's ADA Coordinator for assistance.

Director of Transportation & Accessibility Coordinator
Baldwin Regional Area Transit System
251-972-6817
www.baldwincountyal.gov

You may be asked to complete a request form. Baldwin Regional Area Transit System will review the request in accordance with its reasonable modification plan. Baldwin Regional Area Transit System strives to respond, in writing, to each request within 15 calendar days. **All the information involved with this process will be kept confidential.**

C. ADA Reasonable Modification Request Form

Use this form to request a modification to current Baldwin Regional Area Transit System policies or procedures. Be specific and provide as much detailed information as possible. This will allow us to effectively process and evaluate your request. Before filling out this form please review Baldwin Regional Area Transit System's Americans with Disabilities Act (ADA) Request for Reasonable Modifications Procedures.

Please include the following items in your request:

- Based on a disability, why is the modification necessary?
- Provide a description of your limitation(s) and how it is affected by Baldwin Regional Area Transit System's policies/procedures.

Name: _____

Date: _____

Phone #: _____

Email address: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Best way to contact you via: Phone Email Mail

Other _____

Modification Request:

Please send to:

Contact Person Name

Ann Simpson

Director of Transportation & Accessibility Coordinator

Baldwin Regional Area Transit System

251-972-6817

www.baldwincountyal.gov

All the information involved with this process will be kept confidential.

D. Accommodation of Mobility Devices

Consistent with Department of Transportation regulations, Baldwin Regional Area Transit System will transport a mobility device with three or more wheels and its user so long as the lift can safely accommodate the size and weight of the mobility device and its user and there is space for the mobility device on the vehicle.

E. ADA Grievance Procedure

Baldwin Regional Area Transit System
Americans with Disabilities Act Grievance Procedure

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Baldwin Regional Area Transit System. Baldwin Regional Area Transit System's personnel policies govern employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Contact Person's Name
Ann Simpson
Director of Transportation
Baldwin Regional Area Transit System
251-972-6817
www.baldwincountyal.gov

Within 15 calendar days after receipt of the complaint, Director of Transportation or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Director of Transportation or his/her designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print or Braille. The response will explain the position of the Agency and offer options for substantive resolution of the complaint.

If the response by Director of Transportation or his/her designee does not satisfactorily resolve the issue, the complainant may appeal the decision within 15 calendar days after receipt of the response to the Director of Transportation or his/her designee. Within 15 calendar days after receipt of the appeal, the Director of Transportation or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Director of Transportation or his/her designee will

respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Director of Transportation or his/her designee, appeals to the Baldwin County Commission County Administrator or his/her designee, and responses from these two offices will be retained by the Agency for at least three years.

Formal complaints should be submitted by [downloading this pdf](#).